

Breach Of Confidentiality: Hospital Worker Not Guilty Of Misconduct.

The phlebotomist came to the room shared by two pediatric patients to carry out a physician's order to draw blood from one of the patients. Both patients had parents visiting in the room.

The mother asked why blood needed to be taken. The other patient's parent overheard the phlebotomist reply it was to test for HIV and hepatitis.

The phlebotomist was fired after the patient's mother complained to hospital management.

In light of the hospital's practice of placing patients in shared rooms, requiring hospital employees to provide medical treatment in these rooms, allowing visitors during treatment periods and failing to provide alternative locations for hospital employees to discuss sensitive patient information, we conclude that the hospital had no reasonable expectation that all patient information would remain totally confidential.

COMMONWEALTH COURT
OF PENNSYLVANIA
May 9, 2006

The Commonwealth Court of Pennsylvania ruled there were no grounds to fire this employee. A family member made a legitimate request for information, he had to respond and he had no control over the fact the patients' beds were only eight feet apart in the small room. Docherty v. Unemployment Board, __ A. 2d __, 2006 WL 1226578 (Pa. Cmwlth., May 9, 2006).